



County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
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<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

May 31, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

16 MAY 31, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

**APPROVE AMENDMENT TO THE CONTRACT WITH LOS ANGELES COUNTY BAR
ASSOCIATION'S INDIGENT CRIMINAL DEFENSE APPOINTMENTS PROGRAM
FOR COUNTYWIDE ADULT CRIMINAL INDIGENT DEFENSE SERVICES
(ALL AFFECTED) (3 VOTES)**

SUBJECT

The Chief Executive Office is requesting an Amendment to the County of Los Angeles' Indigent Criminal Defense Contract with the Los Angeles County Bar Association that will revise the Classification of Attorneys and extend the term of the current agreement for a period of one year with an option to extend the contract for up to an additional 12 month period to allow indigent defendants to continue receiving quality representation. This extension period will enable the Chief Executive Office to complete the solicitation and negotiation process for a new agreement and to determine the transition process, if necessary, after your Board awards the new agreement.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve a contract Amendment between the County of Los Angeles and the Los Angeles County Bar Association to continue providing a cost-effective program for third tier criminal defense services for clients the Public Defender and Alternate Public Defender are unable to represent because of a conflict of interest or other lawful unavailability; and to continue providing complete administrative coordination of Los Angeles County's Countywide Capital Case and Indigent Criminal Defense Appointments panel attorney programs.

"To Enrich Lives Through Effective And Caring Service"

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2. Delegate authority to the Chief Executive Officer, or his designee, to prepare and execute the contract amendment to extend the contract term for a period of one year upon approval as to form by County Counsel.
3. Delegate authority to the Chief Executive Officer, or his designee, to terminate the agreement earlier, in whole or in part, with 90-days advance written notice once the Chief Executive Office has completed its solicitation and negotiation process for a new agreement and determined the necessary transition process, if applicable.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this request is to revise the Classification of Attorneys where the maximum sentence determines the grade level attorney that will be assigned to a case (Attachment C). For cases where the maximum sentence is 5, 6, or 7 years, the case will now be handled at a Grade I hourly rate rather than a Grade II hourly rate and cases where the maximum sentence is 11 or 12 years will now be handled at a Grade II hourly rate rather than a Grade III hourly rate, which would reduce the cost to the County of Los Angeles (County).

The purpose of the request is also to extend the terms of the current agreement for a period of one year beginning July 1, 2011 through June 30, 2012, with an additional 12-month extension period for the representation of indigent defendants when the Public Defender (PD) and Alternate Public Defender (APD) are unavailable. The current contract with Los Angeles County Bar Association (LACBA) will expire on June 30, 2011, and the proposed amendment will ensure continuation of these services.

Implementation of Strategic Plan Goals

This public/private partnership between the County and LACBA supports Strategic Plan Goal 1 - Operational Effectiveness: Maximize the effectiveness of the County's processes, structure, and operations to support timely delivery of customer-oriented and efficient public services; and Goal 5 - Public Safety: Ensure that the committed efforts of the public safety partners continue to maintain and improve the safety and security of the people of Los Angeles County.

FISCAL IMPACT/FINANCING

The amendment results in no additional net County cost. Funding for the Indigent Criminal Defense Appointments (ICDA) program is within the Trial Court Operations existing budget.

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Under the Lockyer-Isenberg Trial Court Funding Act of 1997, the County is responsible for criminal indigent defense costs.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Chief Executive Office (CEO) is in the process of developing a Request for Proposal to solicit an agreement with a vendor to provide court appointed attorneys for the representation of indigent defendants when the PD and APD are unavailable. Once the solicitation process and negotiations have been completed, the CEO will return to your Board to award the agreement and provide for a transition period, if necessary.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of these actions will ensure uninterrupted services when the PD and APD are unable to represent their defendant(s) because of a conflict of interest or other lawful unavailability.

CONCLUSION

Instruct the Executive Office/Clerk of the Board to return two signed originals of the amendment and one adopted Board letter to the CEO.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:JAW:SW
VC:cc

Attachments (2)

c: Executive Office, Board of Supervisors
County Counsel
Alternate Public Defender
Public Defender
Superior Court

**LOS ANGELES COUNTY BAR ASSOCIATION (LACBA)
INDIGENT CRIMINAL DEFENSE APPOINTMENT PROGRAM (ICDA)
COUNTYWIDE INDIGENT DEFENSE SERVICES
SYN #58 OF 11/10/98**

**CONTRACT AMENDMENT
EFFECTIVE JULY 1, 2011 THROUGH JUNE 30, 2012**

Whereas, on July 1, 2008, the existing agreement between the County of Los Angeles and the Los Angeles County Bar Association's Indigent Criminal Defense Appointment (ICDA) program was extended for three years on the same terms set forth in both the original contract and subsequent contract extensions; and

Whereas, said agreement provides a cost-effective program for third tier criminal defense services for clients the Public Defender and Alternate Public Defender are unable to represent because of a conflict of interest or other lawful unavailability; and

Whereas, the Los Angeles County Bar Association provides complete administrative coordination of Los Angeles County's Countywide Capital Case and ICDA panel attorney programs; and

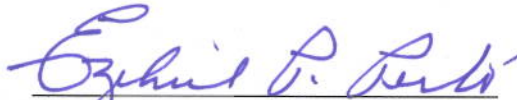
NOW THEREFORE, pursuant to the provision of said paragraph 8 of the original contract, LACBA and the County's Project Director, mutually agree to extend said contract, to the 30th day of June 2012 on the same terms set forth in the original contract and in the expiring contract and said contract may be extended annually for a period not to exceed one year per extension, however, parties agree to the following:

1. Revised and or updated attachments to the contract are attached as follows:

Attachment C: Classification of Attorneys (Grades I&II Attorneys)
revised as of July 1, 2011

The undersigned mutually agree to this amendment.


Date: 5/13/2011


Contractor

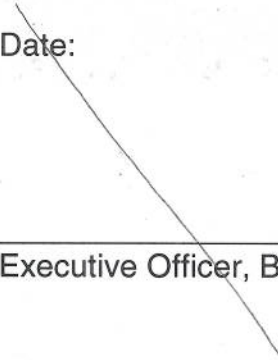
Date:


County's Contract Manager

Approved as to form:
Office of County Counsel


Principal Deputy County Counsel

Date:


Executive Officer, Board of Supervisors

ATTACHMENT C

CLASSIFICATION OF ATTORNEYS

Any Registrant qualifying for a particular grade level shall automatically be assigned to the next lower panel unless he/she notifies the Program Administrator in writing of his/her desire to join only one panel. The only two exceptions are: (1) Registrants who meet the specific qualification requirements for the misdemeanor panel only and: (2) Registrants who meet the specific qualification requirements for the Grade IV, not Grade V, will automatically be assigned to Grade III and Grade II cases.

Attorneys will be eligible to receive appointments according to their classification as follows:

Misdemeanor Attorneys shall be eligible to receive appointments to all misdemeanor cases that are not Penal Code (P.C.) 270.

P.C. 270 Attorneys shall be eligible to receive appointments to all P.C. 270 cases.

Grade I Attorneys shall be eligible to receive appointments to **Grade I cases only**. Grade I cases shall be:

- *All felonies not designated as Grade II, III, IV or V
- *All Vehicle Code offenses except homicides
- *All Business and Professions Code felony filings

up to 7 years max sentencing time

Grade II Attorneys shall be eligible to receive appointments to **Grade II and Grade I**.

up to 12 years max sentencing time

Grade III Attorneys shall be eligible to receive appointments to **Grade III cases and Grade II cases**. Grade III cases include the following; except when they have been designated as Grade IV cases:

- *Any complaint filed with more than seven counts on our defendant regardless of the actual charge (except for Grade V cases).
- *Any complaint for which more than two sentence enhancements are alleged.
- *All conspiracies (P.C. 182) except where the underlying charge is a Grade I charge.
- *All cases where forfeiture of money or property is involved.
- *All P.C. 211 cases with more than three counts of 211 filed against our defendant.
- *All cases where the time estimate for the duration of the Preliminary Hearing is in excess of 6 weeks.

up to 24 years max sentencing time

2 strike cases

Grade IV Attorneys shall be eligible to receive appointments to **Grade IV cases, Grade III cases and Grade II cases**. Grade IV cases shall include:

- *All cases in which a third strike is alleged (P.C. 667).
- *All non-special circumstance (Grade V) murder cases.
- *All complex crimes involving protracted litigation with approval of the Court.
- *Treason under Penal Code section 37

- *Kidnapping causing GBI or death or under circumstances likely to cause GBI or death under Penal Code section 209(a)
- *Attempted murder of a police officer under Penal Code section 217.1
- *Train-wrecking under Penal Code section 218
- *Train de-railing under Penal Code section 219
- *Assault of a child under 8 years of age resulting in death under Penal Code section 273(a, b)
- *Explosion causing death under Penal Code section 12310(a)
- *All cases alleging an enhancement under Penal Code section 12022.53(d) (personally discharging a firearm causing great bodily injury or death)
- *All sex offenses alleging an enhancement under Penal Code section 667.61 (sex offense special circumstances)
- *All sex offenses alleging an enhancement under Penal Code section 667.7 (habitual sex offender causing GBI or using force likely to produce GBI)
- *All sex offenses alleging an enhancement under Penal Code section 667.71 (habitual sex offender)
- *Attempted First Degree Murder under Penal Code section 664/187
- *Gross Vehicular Manslaughter with prior DUI conviction under Penal Code section 191.5(d)
- *Aggravated Mayhem under Penal Code section 205
- *Torture under Penal Code section 206.1
- *Kidnapping under Penal Code section 209(a) not causing GBI or death
- *Kidnapping under Penal Code section 209(b)
- *Kidnapping during commission of carjacking under Penal Code section 209.5
- *Aggravated sexual assault of a child under Penal Code section 269
- *All sex offenses alleging enhancement under Penal Code section 667.51(d) for prior sex offense convictions (P.C. 667.71 and P.C. 667.72)
- *All drug offenses alleging an enhancement under Penal Code section 667.75 (drug offenses involving minors with prior convictions)
- *Explosion causing mayhem or GBI under Penal Code section 12310(b)
- *All second strike cases alleging any of the above offenses or enhancements
- *Any of the above substantive offenses in combination with an enhancement allegation under Penal Code sections 12022.53(b) or (c)

25 years and over max sentencing time
3 strikes automatically grade 4

Grade V Attorneys shall be eligible to receive appointments to **Grade V cases and Grade IV cases.** Grade V cases shall include:

- *P.C. 187 with special circumstances